

PERSONNEL

Personnel

Personnel - Leave Policies

Job Protection and Working During Leaves of Absence (6.22.01)

PURPOSE

Job protection during leaves of absence - Prohibition against secondary employment, working a second job, or moonlighting while on light duty, on leave or during a leave of Absence

POLICY

A leave of absence may be granted for a limited or specified period of time. The following types of leave may be granted if an employee has completed the probationary period and is otherwise eligible[1]:

- Bereavement leave
- Educational leave
- Jury duty
- Leave of Absence or intermittent leave under the ADA
- Leave of Absence or intermittent leave under the FMLA
- Leave to compete as a member of a United States team for athletic competition, on the world, Pan-American or Olympic level
- Medical leave
- Parental leave
- Reserve military duty
- Sick leave
- Worker's compensation leave or light duty

PROCEDURES

An employee who is approved for one or more of the above types of leave shall have job protection for the duration of the employee's approved period of leave. "Job protection" as used herein means a return to the employee's position or an equivalent position unless otherwise provided by law. An employee who fails to report to work upon the expiration of an approved leave will be terminated per the provisions of TBR policy 5-01-00-00.

An employee who is approved for one or more of the above types of leave, or who is approved for limited duty, is prohibited from engaging in secondary employment. Employees who engage

other employment or in self-employment while on authorized leave of absence or light duty will be terminated unless written authorization has been granted prior to commencement of the leave of absence.

An employee who engages in other employment or engages in business for himself or herself while on leave of absence shall be discharged unless the employee and his or her supervisor have, prior to the commencement of such leave of absence, agreed in writing that it could be done.

Absent written authorization prior to the commencement of any planned period of leave, or immediately following the commencement of any unplanned period of leave or any period of light duty, an employee who engages in other employment or engages in business for himself or herself shall be considered to have resigned, without recourse and not in good standing.

The above limitations specifically do not apply to an employee's use of annual leave, vacation leave, or absences resulting from a temporary reduction in force.

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[1] For example, an eligible employee under the FMLA is one who has been employed "for at least 12 months by the employer" and provided "at least 1250 hours of service during the previous 12-month period." 29 U.S.C. § 2611(2)(A)(i)-(ii).